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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Armenia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Chile,* Côte d'Ivoire, Croatia,* Cyprus,*, Czechia,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Honduras,* Hungary,* Iceland,* Ireland,* Israel,* Italy,* Japan,* Kenya, Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Mali,* Malta,* Mexico, Monaco,* Montenegro,* Morocco, Netherlands, Norway,* Panama, Peru,* Poland,* Portugal, Qatar, Republic of Moldova,* Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Timor-Leste,* Tunisia,* Ukraine,* United States of America,* Uruguay:* draft resolution

33/... The safety of journalists

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all General Assembly resolutions on the safety of journalists and the issue of impunity, including resolutions 68/163 of 18 December 2013, in which the Assembly proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists, and 70/162 of 17 December 2015, and Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

Recalling also Human Rights Council resolutions 21/12 of 27 September 2012 and 27/5 of 25 September 2014, on the safety of journalists, Council decision 24/116 of 26 September 2013, on a panel discussion on the safety of journalists, and all other relevant

* State not a member of the Human Rights Council

resolutions of the Commission on Human Rights and the Council, in particular Council resolution 12/16 of 2 October 2009 and all other resolutions on the right to freedom of opinion and expression, Council resolution 13/24 of 26 March 2010, on the protection of journalists in situations of armed conflict, Council resolution 28/16 of 26 March 2015, on the right to privacy in the digital age, and Council resolutions 26/13 of 26 June 2014 and 32/13 of 1 July 2016, on the promotion, protection and enjoyment of human rights on the Internet,

Welcoming the latest report of the Secretary-General on the safety of journalists and the issue of impunity,[1] and recalling his previous report thereon,[2]

Recalling all relevant reports of the special procedures of the Human Rights Council on the safety of journalists, in particular the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions, presented to the Council at its twentieth session,[3] and the interactive dialogue thereon,

Recalling also the report of the Office of the United Nations High Commissioner for Human Rights on good practices in the safety of journalists,[4] the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, and the summary report of the Office of the High Commissioner thereon,[5]

Welcoming the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, and taking note with appreciation of its 2015 publications, entitled *World Trends in Freedom of Expression and Media Development* and *Building Digital Safety for Journalism*,

Taking note with appreciation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide,

Welcoming the adoption of the 2030 Agenda for Sustainable Development[6] and the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, including by ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements, and therefore recognizing the important contribution of the promotion and protection of the safety of journalists in this regard,

Welcoming also initiatives taken by States, media organization and civil society relevant to the safety of journalists, and taking note in this regard of the Freelance Journalist Safety Principles and the International Declaration on the Protection of Journalists presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human

[1] A/70/290.
[2] A/69/268.
[3] A/HRC/20/17 and 22.
[4] A/HRC/24/23.
[5] A/HRC/27/35.
[6] General Assembly resolution 70/1.

Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Recognizing that the work of journalists often puts them at specific risk of intimidation, harassment and violence, the presence of which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and acts of other forms of violence,

Expressing deep concern at the increased number of journalists and media workers who have been killed, tortured, arrested or detained in recent years as a direct result of their profession,

Expressing further serious concern at attacks and violence against journalists and media workers in situations of armed conflict, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

Expressing deep concern at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

Emphasizing also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications in violation of their rights to privacy and to freedom of expression,

Recognizing the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during election periods,

Bearing in mind that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, intimidation, threats and harassment, including through attacks on or the forced closure of their offices and media outlets, in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

4. *Urges* States to do their utmost to prevent violence, threats and attacks against journalists and media workers, to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

5. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (*a*) legislative measures; (*b*) supporting the judiciary in considering training and awareness-raising and supporting training and awareness-raising among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (*c*) the regular monitoring and reporting of attacks against journalists; (*d*) publicly, unequivocally and systematically condemning violence and attacks; and (*e*) dedicating the resources necessary to investigate and prosecute such attacks;

6. *Also calls upon* States to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified during the panel discussion held on 11 June 2014 and or compiled in the report of the Office of the United Nations High Commissioner for Human Rights,[4] inter alia:

(*a*) The creation of special investigative units or independent commissions;

(*b*) The appointment of a specialized prosecutor;

(*c*) The adoption of specific protocols and methods of investigation and prosecution;

(*d*) The training of prosecutors and the judiciary on the safety of journalists;

(e) The establishment of information-gathering mechanisms, such as databases, to permit the gathering of verified information about threats and attacks against journalists;

(*f*) The establishment of an early warning and rapid response mechanism to give journalists, when threatened, immediate access to the authorities and protective measures;

7. *Further calls upon* States to implement more effectively the applicable legal framework for the protection of journalists and media workers in order to combat the pervasive impunity, including through enforcement mechanisms with the capacity to pay systematic attention to their safety;

8. *Urges* States to bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and where necessary amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

9. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearances;

10. *Calls upon* all States to pay particular attention to the safety of journalists during periods of elections and while covering events in which persons are exercising their rights to peaceful assembly and freedom of expression, taking into account their specific role, exposure and vulnerability;

11. *Also calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention, or the threat thereof;

12. *Further calls upon* States to protect in law and in practice the confidentiality of journalists' sources, in acknowledgement of the essential role of journalists in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

13. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and calls upon States not to interfere with the use of such technologies, with any restrictions thereon complying with States' obligations under international human rights law;

14. *Also emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, together with protective equipment and insurances, where necessary;

15. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

16. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

17. *Invites* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

18. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

19. *Requests* the High Commissioner to prepare a report with an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, with a view to providing an analysis of their effectiveness, in consultation with States, the mechanisms themselves and all other relevant stakeholders, and to submit to the Human Rights Council at its thirty-ninth session;

20. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.